

By: Hegar

S.B. No. 1072

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Harris County Municipal Utility District No. 533; granting a limited power of eminent domain; providing authority to issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8453 to read as follows:

CHAPTER 8453. HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 533

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8453.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Harris County Municipal Utility District No. 533.

Sec. 8453.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8453.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8453.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8453.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located has
4 consented by ordinance or resolution to the creation of the
5 district and to the inclusion of land in the district.

6 Sec. 8453.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

7 (a) The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

9 (1) a municipal utility district as provided by
10 general law and Section 59, Article XVI, Texas Constitution; and

11 (2) Section 52, Article III, Texas Constitution, that
12 relate to the construction, acquisition, improvement, operation,
13 or maintenance of macadamized, graveled, or paved roads, or
14 improvements, including storm drainage, in aid of those roads.

15 Sec. 8453.006. INITIAL DISTRICT TERRITORY. (a) The
16 district is initially composed of the territory described by
17 Section 2 of the Act enacting this chapter.

18 (b) The boundaries and field notes contained in Section 2 of
19 the Act enacting this chapter form a closure. A mistake made in the
20 field notes or in copying the field notes in the legislative process
21 does not affect the district's:

22 (1) organization, existence, or validity;

23 (2) right to issue any type of bond for the purposes
24 for which the district is created or to pay the principal of and
25 interest on a bond;

26 (3) right to impose a tax; or

27 (4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8453.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8453.052, directors serve staggered four-year terms.

Sec. 8453.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8453.003; or

(2) the fourth anniversary of the effective date of the Act enacting this chapter.

(c) If permanent directors have not been elected under Section 8453.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8453.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 8453.101. GENERAL POWERS AND DUTIES. The district has
9 the powers and duties necessary to accomplish the purposes for
10 which the district is created.

11 Sec. 8453.102. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8453.103. AUTHORITY FOR ROAD PROJECTS. Under Section
17 52, Article III, Texas Constitution, the district may design,
18 acquire, construct, finance, issue bonds for, improve, operate,
19 maintain, and convey to this state, a county, or a municipality for
20 operation and maintenance macadamized, graveled, or paved roads, or
21 improvements, including storm drainage, in aid of those roads.

22 Sec. 8453.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
23 road project must meet all applicable construction standards,
24 zoning and subdivision requirements, and regulations of each
25 municipality in whose corporate limits or extraterritorial
26 jurisdiction the road project is located.

27 (b) If a road project is not located in the corporate limits

1 or extraterritorial jurisdiction of a municipality, the road
2 project must meet all applicable construction standards, zoning and
3 subdivision requirements, and regulations of each county in which
4 the road project is located.

5 (c) If the state will maintain and operate the road, the
6 Texas Transportation Commission must approve the plans and
7 specifications of the road project.

8 Sec. 8453.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
9 OR RESOLUTION. The district shall comply with all applicable
10 requirements of any ordinance or resolution that is adopted under
11 Section 54.016 or 54.0165, Water Code, and that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 8453.151. ELECTIONS REGARDING TAXES OR BONDS.

16 (a) The district may issue, without an election, bonds and other
17 obligations secured by:

18 (1) revenue other than ad valorem taxes; or

19 (2) contract payments described by Section 8453.153.

20 (b) The district must hold an election in the manner
21 provided by Chapters 49 and 54, Water Code, to obtain voter approval
22 before the district may impose an ad valorem tax or issue bonds
23 payable from ad valorem taxes.

24 (c) The district may not issue bonds payable from ad valorem
25 taxes to finance a road project unless the issuance is approved by a
26 vote of a two-thirds majority of the district voters voting at an
27 election held for that purpose.

1 Sec. 8453.152. OPERATION AND MAINTENANCE TAX. (a) If
2 authorized at an election held under Section 8453.151, the district
3 may impose an operation and maintenance tax on taxable property in
4 the district in accordance with Section 49.107, Water Code.

5 (b) The board shall determine the tax rate. The rate may not
6 exceed the rate approved at the election.

7 Sec. 8453.153. CONTRACT TAXES. (a) In accordance with
8 Section 49.108, Water Code, the district may impose a tax other than
9 an operation and maintenance tax and use the revenue derived from
10 the tax to make payments under a contract after the provisions of
11 the contract have been approved by a majority of the district voters
12 voting at an election held for that purpose.

13 (b) A contract approved by the district voters may contain a
14 provision stating that the contract may be modified or amended by
15 the board without further voter approval.

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 8453.201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations
19 payable wholly or partly from ad valorem taxes, impact fees,
20 revenue, contract payments, grants, or other district money, or any
21 combination of those sources, to pay for any authorized district
22 purpose.

23 Sec. 8453.202. TAXES FOR BONDS. At the time the district
24 issues bonds payable wholly or partly from ad valorem taxes, the
25 board shall provide for the annual imposition of a continuing
26 direct ad valorem tax, without limit as to rate or amount, while all
27 or part of the bonds are outstanding as required and in the manner

1 provided by Sections 54.601 and 54.602, Water Code.

2 Sec. 8453.203. BONDS FOR ROAD PROJECTS. At the time of
3 issuance, the total principal amount of bonds or other obligations
4 issued or incurred to finance road projects and payable from ad
5 valorem taxes may not exceed one-fourth of the assessed value of the
6 real property in the district.

7 SECTION 2. The Harris County Municipal Utility District No.
8 533 initially includes all the territory contained in the following
9 area:

10 BEING a 469.8048 acre tract of land situated the J.E.
11 Cabaniss Survey, Abstract 1470 which is out of Section 70, Block 2
12 of the H. & T. C.R.R. Company Survey, Section 57, Block 2 of the H. &
13 T. C.R.R. Company Survey, Abstract 443, Harris County, Texas and
14 being the remainder of a called 400 acre tract of land described in
15 an instrument to Jesse L. Freeman filed for record under Volume
16 1212, Page 482 of the Harris County Deed Records, the remainder of a
17 called 328.97 acre tract of land described in instruments filed for
18 record under Harris County Clerk's File Number (H.C.C.F. No.)
19 U390810 and X913891, and all of a called 1.0 acre tract of land
20 described in an instrument to Harold L. Freeman and wife, Lynell
21 Freeman filed for record under H.C.C.F. No. J087863, said 469.8048
22 acre tract of land being more particularly described by metes and
23 bounds as follows:

24 BEGINNING at a railroad spike in asphalt found in the
25 centerline of Katy-Hockley Cut-Off Road (60-foot width) and
26 Longenbaugh Road (60-foot width) for the Northeast corner of
27 Section 69, Block 2 of the H. & T.C.R.R. Company Survey, Abstract

1 No. 459 , same being the Southwest corner of said Section 57, Block
2 2 of the H. & T.C.R.R. Company Survey, Abstract No. 443, the
3 Northwest corner of Section 58, Block 2 of the H.& T. C. R.R.
4 Company Survey (George Spencer Survey), Abstract No. 1368 and the
5 Southeast corner of said J.E. Cabaniss Survey, Abstract No. 1470;

6 THENCE, S 87° 54' 21" W, a distance of 2,643.72 along and with
7 the South line of said 400 acres, the South line of said J.E.
8 Cabaniss Survey, Abstract No. 1470 and the North line of the
9 Northeast 1/4 of said Section 69 to a point for corner being
10 Northwest corner of the Northeast 1/4 of said Section 69, same being
11 the Northeast corner of a called 158.167 acre tract of land
12 described in an instrument filed for record under H.C.C.F. No.
13 20110061749, the most Southerly Southwest corner of said J.E.
14 Cabaniss Survey, Abstract No. 1470, the Southeast corner of a
15 called 75.308 acre tract of land described in an instrument filed
16 for record under H.C.C.F. No. T291060, the Southeast corner of the
17 G.H. Holley Survey, Abstract 1480 and the Southwest corner of said
18 400 acre tract;

19 THENCE, N 02° 03' 53" W, along and with the West line of said
20 400 acre tract, at a distance of 1,322.59 feet pass the Northeast
21 corner of said 75.308 acre tract and the Southeast corner of a
22 called 53.142 acre tract of land described in an instrument filed
23 for record under H.C.C.F. No. X139859, and continuing for a total
24 distance of 1,535.40 feet to a 5/8-inch iron rod with cap stamped
25 "JNS Engineers" found for the Southwest corner of a called 1.401
26 acre tract of land described in an instrument to Harris County filed
27 for record under H.C.C.F. No. X290296;

1 THENCE N 87° 56' 07" E, a distance of 55.00 feet along the
2 South line of said 1.401 acre tract to a 5/8-inch iron rod with cap
3 stamped "JNS Engineers" found for the Southeast corner of said
4 1.401 acre tract;

5 THENCE, N 02° 03' 53" W, a distance of 1,109.97 feet along the
6 East line of said 1.401 acre tract to a 5/8-inch iron rod with cap
7 stamped "JNS Engineers" found for the Northeast corner of said
8 1.401 acre tract and being in the South line of a called 215.658
9 acre tract of land described in an instrument to Harris County filed
10 for record under H.C.C.F. No. W075836, same being the Northwest
11 corner of the remainder of said 400 acre tract;

12 THENCE, N 87° 59' 43" E, along and with the South line of said
13 215.658 acre tract and the North line of the remainder of said
14 400-acre tract, at a distance of 2,556.81 feet pass the West
15 right-of-way line of said Katy-Hockley Cut-Off Road (60-foot width)
16 and continuing for a total distance of 2,586.81 feet to a point for
17 corner in the centerline of said Katy-Hockley Cut-Off Road, same
18 also being in the West line of said Section 57 and the West line of
19 said 328.97 acre tract;

20 THENCE, N 02° 06' 22" W, a distance of 1,326.01 feet along and
21 with the centerline of said Katy-Hockley Cut-Off Road, the West
22 line of said Section 57, the West line of said 328.97 acre tract and
23 the East line of said J.E. Cabaniss Survey to a point for the
24 Northwest corner of said 328.97 acre tract and the most Westerly
25 Southwest corner of a called 50.000 acre tract of land described in
26 an instrument to Felix Jegede filed for record under H.C.C.F. No.
27 20060183947;

1 THENCE, N 89° 28' 02" E, along and with a South line of said
2 50.000 acre tract and the North line of said 328.97 acre tract, at a
3 distance of 30.00 feet pass a 3/4-inch iron pipe found in the East
4 right-of-way line of said Katy-Hockley Cut-Off Road and continuing
5 for a total distance of 2,636.64 feet to a 1/2-inch iron rod found
6 the most Northerly Northeast corner of said 328.97 acre tract and a
7 reentrant corner of said 50.000 acre tract;

8 THENCE, S 02° 19' 14" E, a distance of 1,320.59 feet along and
9 with an East line of said 328.97 acre tract and a West line of said
10 50.000 acre tract to a 1/2-inch iron rod found for a Southwest
11 corner of said 50.000 acre tract and a reentrant corner of said
12 328.97 acre tract;

13 THENCE, N 88° 28' 35" E, a distance of 1,271.46 feet along and
14 with a North line of said 328.97 acre tract and a South line of said
15 50.000 acre tract to a 2-inch iron pipe found for the Northwest
16 corner of a called 55.557 acre tract of land described in an
17 instrument to Poarch/Swinbank Limited Partnership filed for record
18 under H.C.C.F. No. Z064160, same being the most Easterly Northeast
19 corner of the herein described tract;

20 THENCE, S 02° 05' 40" E, a distance of 1,475.48 feet along and
21 with the East line of said 328.97 acre tract and the West line of
22 said 55.557 acre tract to a 2-inch iron pipe found for the Southwest
23 corner of said 55.557 acre tract and the Northwest corner of a
24 called 9.316 acre tract of land described in an instrument to Rose
25 E. Price and David A. Price filed for record under H.C.C.F. No.
26 X561406;

27 THENCE, S 07° 16' 57" W, along and with the West line of said

1 9.316 acre tract, at a distance of 1,068.19 pass the North
2 right-of-way line of said Longenbaugh Road (60-foot width) and
3 continuing for a total distance of 1,098.60 feet to a cotton spindle
4 found in the centerline of said Longenbaugh Road for the Southwest
5 corner of said 9.316 acre tract, same being in the South line of
6 said Section 57 and the North line of said Section 58;

7 THENCE, S 87° 51' 45" W, a distance of 3,732.47 feet along and
8 with the centerline of said Longenbaugh Road, the South line of
9 said Section 57 and the North line of said Section 58 to the POINT OF
10 BEGINNING and containing 469.8048 acres of land.

11 SECTION 3. (a) The legal notice of the intention to
12 introduce this Act, setting forth the general substance of this
13 Act, has been published as provided by law, and the notice and a
14 copy of this Act have been furnished to all persons, agencies,
15 officials, or entities to which they are required to be furnished
16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
17 Government Code.

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor, the
23 lieutenant governor, and the speaker of the house of
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 8453, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 8453.106 to read as follows:

6 Sec. 8453.106. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

8 (b) This section is not intended to be an expression of a
9 legislative interpretation of the requirements of Subsection (c),
10 Section 17, Article I, Texas Constitution.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2013.